



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JANUARY 3, 2012**

On this 3rd day of January 2012 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert Garza
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; Elvia Rios, Interim Human Resources Director; David Salinas, Public Utilities Director; Oscar Garza, Public Facilities Director; Fire Chief Jimmy Cuellar; Interim Police Chief Michael Kelley; Jorge Gonzalez, Planning & Code Enforcement Director; Arnold Becho, Library Director; Lupe Garcia, Parks & Recreation Director; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, December 30, 2011.
- B. Mayoral Proclamations and Recognitions.
The Mayor presented proclamations in recognition of the life of Samuel Sparks, the fiftieth anniversary of Knapp Medical Center, and the thirty years of service by City Attorney Ramon Vela.
- C. Invocation.
Rabbi Stephen Rosenberg and Marilou Levine with Temple Emanuel delivered the invocation.
- D. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II.

STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Sandra de la Fuente, Weslaco Museum, on quarterly activities.

Sandra de la Fuente, executive director of the Weslaco Museum, reported on gallery exhibits and programs for the period September – December 2011, with total expenses of \$1,810.00 and visitations averaging 200 per month. She also reported on a \$4,500.00 grant received for the preservation of the photography collection.

III.

CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the following Minutes:

- 1) Regular Meeting of December 20, 2011. Attachment.
- 2) Special Meeting of December 27, 2011. Attachment.

- B. Approval on Second and Final Reading the following Ordinances:

- 1) Ordinance 2011-41 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2501 N. Bridge, also being the S98.2' of Lot 1, Country Acres, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." (First Reading held December 20, 2011.) Attachment.
- 2) Ordinance 2011-42 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone all of Lots 1 thru 121, Las Villas Santas Subdivision, an addition to the City of Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "M-1 Mobile Home Subdivision District." (First Reading held December 20, 2011.) Attachment.

- C. Approval of the request to close Texas Boulevard/FM 88 from Third to Fifth Streets from 5:00 p.m. to 10:00 p.m. on January 19, February 16, and March 22, 2012 for a block party entitled *Al Fresco Weslaco – Jazz on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage licensed vendor, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.

- D. Ratification of a revised schedule to extend one-year the Photo Voltaic Array grant project as awarded by the Texas State Energy Conservation Office. Attachment.

- E. Authorization to accept monetary and other in-kind donations from local vendors and/or the public in support of the Summer Reading Program (SRP) at the Mayor Joe V. Sanchez Weslaco Public Library and authorize a budget amendment as needed.

Attachment.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Ordinances read as follows:

ORDINANCE NO. 2011-41

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 2501 N. BRIDGE AVENUE, ALSO BEING THE S98.2' OF LOT 1, COUNTRY ACRES, WESLACO, HIDALGO COUNTY, TEXAS, FROM "R-1 SINGLE FAMILY DWELLING DISTRICT" TO "B-1 NEIGHBORHOOD BUSINESS DISTRICT"

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: To rezone from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District" the S98.2' of Lot 1, Country Acres Subdivision, also being 2501 N. Bridge Avenue, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 20th day of December, 2011.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of January, 2012.

ORDINANCE NO. 2011-42

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF ALL OF LOTS 1 THRU 121, LAS VILLAS SANTAS SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM "R-1 SINGLE FAMILY DWELLING DISTRICT" TO "M-1 MOBILE HOME SUBDIVISION DISTRICT."

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION I: To rezone from "R-1 Single Family Dwelling District" to "M-1 Mobile Home Subdivision District" all of Lots 1 thru 121, Las Villas Santas Subdivision, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 20th day of December, 2011.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 3rd day of January, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

Mayor Pro-Tem Cuellar, second by Commissioner Martinez, moved to remove item V.A. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

- V. A. Discussion and consideration to approve Ordinance 2012-01 amending Ordinance 77-14 to increase the number of Directors of the Weslaco Hospital Authority to seven (7) and ordaining other matters with respect to the subject matter hereof. Possible action. Attachment.

Mayor Pro-Tem Cuellar, second by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2011-81, 2011-82, 2011-83 and 2011-84, 2011-85, 2011-86 appointing members to the Weslaco Hospital Authority. Possible action. (This item was tabled December 27, 2011.) Attachment.

Mayor Pro-Tem Cuellar, second by Commissioner Tafolla, moved to remove the item from the table. The motion carried unanimously; Mayor Wise was present, but not voting.

Mayor Pro-Tem Cuellar recommended each Commissioner nominate one member from each respective District to be ratified by the whole Commission; the Mayor agreed that the incumbent member to the Weslaco Hospital Authority, Benita Valadez, would serve as his nomination.

Commissioner Rivera, second by Mayor Pro-Tem Cuellar, moved to approve Resolution No. 2011-81 to appoint Leticia Volpe to the Weslaco Hospital Authority. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Martinez, second by Commissioner Tafolla, moved to approve Resolution No. 2011-82, to appoint Gloria Egli to the Weslaco Hospital Authority. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Tafolla, second by Commissioner Martinez, moved to approve Resolution No. 2011-83 to appoint Ric Quintanilla to the Weslaco Hospital Authority. The motion carried unanimously; Mayor Wise was present, but not voting.

Mayor Pro-Tem Cuellar, second by Commissioner Tafolla, moved to approve Resolution No. 2011-84 to appoint Sandra Esquivel to the Weslaco Hospital Authority. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Noriega, second by Commissioner Rivera, moved to approve

Resolution No. 2011-85 to appoint Marcos Hernandez to the Weslaco Hospital Authority. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Garza, second by Commissioner Tafolla, moved to approve Resolution No. 2011-86 to appoint Elida de Leon Olivenbaum to the Weslaco Hospital Authority. The motion carried unanimously; Mayor Wise was present, but not voting.

The City Attorney clarified that doctors' privileges at Knapp Medical Center constitute a conflict of interest if gross income from that relationship exceeds ten percent and ownership at another hospital does not constitute a conflict of interest at all in this instance. Additionally, ineligibility from board service because of a lawsuit against the City only applies to the Economic Development Corporation. Also, statute provides certain immunities to members of the Authority and their actions through that local governmental body are protected under the City's umbrella insurance coverage.

The Mayor Pro-Tem stated the next meeting of the Authority is called the following day, Wednesday, January 4, 2012 at 5:30 p.m.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2011- 81

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HOSPITAL AUTHORITY.

WHEREAS, in accordance with the Hospital Authority Act, Article 4437e-1, Vernon's Annotated Civil Statutes, Texas Health and Safety Code §262.001 et seq. the Weslaco City Commission (The Governing Body) found and determined that a Hospital Authority be authorized and created, with such Hospital Authority to be known as the "Weslaco Hospital Authority"; and

WHEREAS, the purpose of this Authority is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than two (2) years; and

WHEREAS, the Weslaco Hospital Authority members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Leticia Volpe is appointed to serve a two (2) year term on the Weslaco Hospital Authority and the term will expire on December 27, 2013.

PASSED AND APPROVED on this 3rd day of January, 2012.

RESOLUTION NO. 2011- 82

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HOSPITAL AUTHORITY.

WHEREAS, in accordance with the Hospital Authority Act, Article 4437e-1, Vernon's Annotated Civil Statutes, Texas Health and Safety Code §262.001 et seq. the Weslaco City Commission (The Governing Body) found and determined that a Hospital Authority be authorized and created, with such

Hospital Authority to be known as the “Weslaco Hospital Authority”; and

WHEREAS, the purpose of this Authority is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than two (2) years; and

WHEREAS, the Weslaco Hospital Authority members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Gloria Egli is appointed to serve a two (2) year term on the Weslaco Hospital Authority and the term will expire on December 27, 2013.

PASSED AND APPROVED on this 3rd day of January, 2012.

RESOLUTION NO. 2011- 83

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HOSPITAL AUTHORITY.

WHEREAS, in accordance with the Hospital Authority Act, Article 4437e-1, Vernon’s Annotated Civil Statutes, Texas Health and Safety Code §262.001 et seq. the Weslaco City Commission (The Governing Body) found and determined that a Hospital Authority be authorized and created, with such Hospital Authority to be known as the “Weslaco Hospital Authority”; and

WHEREAS, the purpose of this Authority is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than two (2) years; and

WHEREAS, the Weslaco Hospital Authority members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rick Quintanilla is appointed to serve a two (2) year term on the Weslaco Hospital Authority and the term will expire on December 27, 2013.

PASSED AND APPROVED on this 3rd day of January, 2012.

RESOLUTION NO. 2011- 84

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HOSPITAL AUTHORITY.

WHEREAS, in accordance with the Hospital Authority Act, Article 4437e-1, Vernon’s Annotated Civil Statutes, Texas Health and Safety Code §262.001 et seq. the Weslaco City Commission (The Governing Body) found and determined that a Hospital Authority be authorized and created, with such Hospital Authority to be known as the “Weslaco Hospital Authority”; and

WHEREAS, the purpose of this Authority is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than two (2) years; and

WHEREAS, the Weslaco Hospital Authority members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Sandra Esquivel is appointed to serve a two (2) year term on the Weslaco Hospital Authority and the term will expire on December 27, 2013.

PASSED AND APPROVED on this 3rd day of January, 2012.

RESOLUTION NO. 2011- 85

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HOSPITAL AUTHORITY.

WHEREAS, in accordance with the Hospital Authority Act, Article 4437e-1, Vernon's Annotated Civil Statutes, Texas Health and Safety Code §262.001 et seq. the Weslaco City Commission (The Governing Body) found and determined that a Hospital Authority be authorized and created, with such Hospital Authority to be known as the "Weslaco Hospital Authority"; and

WHEREAS, the purpose of this Authority is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than two (2) years; and

WHEREAS, the Weslaco Hospital Authority members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Marcos Hernandez is appointed to serve a two (2) year term on the Weslaco Hospital Authority and the term will expire on December 27, 2013.

PASSED AND APPROVED on this 3rd day of January, 2012.

RESOLUTION NO. 2011- 86

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HOSPITAL AUTHORITY.

WHEREAS, in accordance with the Hospital Authority Act, Article 4437e-1, Vernon's Annotated Civil Statutes, Texas Health and Safety Code §262.001 et seq. the Weslaco City Commission (The Governing Body) found and determined that a Hospital Authority be authorized and created, with such Hospital Authority to be known as the "Weslaco Hospital Authority"; and

WHEREAS, the purpose of this Authority is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than two (2) years; and

WHEREAS, the Weslaco Hospital Authority members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Elida De Leon Olivenbaum is appointed to serve a two (2) year term on the Weslaco Hospital Authority and the term will expire on December 27, 2013.

PASSED AND APPROVED on this 3rd day of January, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V. **NEW BUSINESS**

- B. Discussion and consideration to approve Ordinance 2012-02 establishing the Weslaco Animal Shelter Advisory Committee, its composition and meeting times, and ordaining other matters with respect to the subject matter hereof. Possible action. Attachment.

The City Manager described the composition of the Committee, as prescribed by state statute. He stated this effort would result in neither more employees nor more expenditures; this ordinance establishes the Committee, with appointments to be made at a later date. Commissioner Tafolla recommended involving other municipalities to share in the provision of services.

Mayor Pro-Tem Cuellar, second by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve an interlocal agreement with Hidalgo County for street improvements on Westgate Drive from Mile 9 – Mile 11 and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager said this interlocal agreement would allow the City to move forward with the next segment of road improvements on Westgate Drive through a \$7.1 million allocation by the Texas Department of Transportation.

Commissioner Rivera, second by Commissioner Garza, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve the certificate of construction completion with Closner Construction Company, L.C. for relocation of water and sanitary sewer utilities on Westgate Drive from Expressway 83 to Sugarcane Drive and authorize the Mayor to execute any related documents. Possible action. Attachment.

There was no action on this item.

- E. Discussion and consideration to purchase nine (9) 2012 Chevy Tahoe police pursuit vehicles with emergency equipment at a total cost not to exceed \$390,132.00 as per Buyboard contract pricing with Government Capital Corporation using part of Tax Notes Series 2011 and authorize the Mayor to execute any related documents. Possible action. (Lease-to-Purchase approved November 1, 2011.) Attachment.

The City Manager explained though this was previously approved as a lease-to-purchase, the cost would exceed the bond capacity; therefore, this item allows the City to apply the bond directly for acquisition of the vehicles. Commissioner Tafolla suggested that during the next round of vehicle acquisition, the City consider diversifying models.

Commissioner Martinez, second by Commissioner Rivera, moved to approve the purchase of nine (9) 2012 Chevy Tahoe police pursuit vehicles with emergency equipment at a total cost not to exceed \$390,132.00 as per Buyboard contract pricing using part of Tax Notes Series 2011 and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to enter into a development agreement with the Economic Development Corporation for business development at the Weslaco Mid-Valley Airport. Possible action. Attachment.

Mr. Hernan Gonzalez proposes a cost-share with the Economic Development Corporation for aesthetic improvements at the Airport to help revitalize its image within the next thirty days.

Mayor Pro-Tem Cuellar, second by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve an amendment to the development agreement with the Economic Development Corporation for the Business, Visitors, and Events Center to provide for grounds improvements and landscaping maintenance at the City Hall complex. Possible action. Attachment.

Commissioner Garza, second by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

VI. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.

The City Manager reported that the City ended Fiscal Year 2011 \$825,000.00 in the black, according to unaudited financials. Mr. Mann elaborated that if the City had kept all policies the same, conversely the City would have been more than \$3 million in the red; he also noted Weslaco had the largest increase in sales tax revenue of any major city in the Rio Grande Valley, with no decrease in the past six years.

The City Manager also reported that he is interviewing candidates for Police Chief.

- B. Report by Airport Department.

Mr. George Garrett, Aviation Director, reported on the history of the Airport, established in 1945, and plans for the future to expand to a 6,000-foot runway with additional hangars.

VII. PUBLIC COMMENTS

Mr. Carlos Guerra and Dr. Leticia Volpe commented on the proposed Knapp Medical Center acquisition.

VIII. EXECUTIVE SESSION

At 7:03 p.m., the Mayor recessed the regular meeting to convene in Executive Session. At 8:23 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

**IX. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Garza & Pena, PLLC regarding Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva pursuant to §551.071 of the Texas Government Code.

The City Attorney announced that Special Counsel would proceed as discussed in Executive Session and report back to the Commission. There was no action on this item.

- B. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Bickerstaff Heath et al. regarding the sale of Knapp Medical Center and the release of covenant on the hospital property as authorized by §571.071 of the Texas Government Code.

There was no action on this item.

- C. Pending Litigation – Discussion with City Attorney regarding CL-11-1112-E, Baudelio Castillo v. City of Weslaco et. Al. pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

X. ADJOURNMENT

With no other business before the Commission, at 8:24 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the January 3, 2012 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez